

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1, 2 and 4-23 are in the case.

I. STATUTORY DOUBLE PATENTING

Claims 1, 2 and 4-23 stand rejected under 35 U.S.C. §101 as allegedly claiming the same invention as that of claims 1-23 of U.S. Patent 6,221,898. The Examiner alleges that the claims the present application appear to be identical to the claims of the '898 U.S. Patent. This position is respectfully traversed.

Review of the claims in the present application reveals that they are not identical of the '898 U.S. Patent. In particular, claim 1 of the '898 patent contains a proviso that disclaims compounds that are covered by the presently claimed invention. No such proviso is included in the claims of the present application. In this regard, the Examiner's attention is directed to the '898 U.S. application at column 49, line 60 through column 50, line 15. Moreover, the definition of n in the presently claimed invention is not exactly the same as the definition of n in the claimed invention of the '898 U.S. patent.

In light of the above, it is clear that the presently claimed invention and the claims of the '898 U.S. patent are not drawn to identical subject matter. Withdrawal of the outstanding statutory type double patenting rejection is accordingly respectfully requested.

II. OBVIOUSNESS-TYPE DOUBLE PATENTING

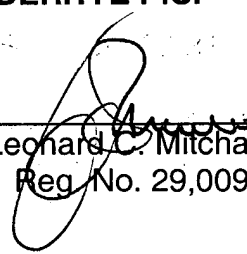
Claims 1, 2 and 4-23 stand rejected on obviousness-type double patenting grounds as allegedly unpatentable over claims 1-23 of U.S. Patent 6,221,898. In response, and without conceding to the merit of the obviousness-type double patenting rejection, attached is a Terminal Disclaimer executed by the undersigned. Withdrawal of the outstanding obviousness-type double patenting rejection is now believed to be in order. Such action is respectfully requested.

Allowance of the application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lfm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Attachment: Executed Terminal Disclaimer